

Applicant : Scott Montgomery
Appl. No. : 09/990,625
Examiner : Akiba K. Robinson
Docket No. : 703602.3

REMARKS

The independent claims have been rejected under 35 U.S.C. § 103 as being obvious over Sansone (U.S. Patent No. 6,547,136), and further in view of Whitehouse (U.S. Patent No. 6,005,945). The applicants respectfully request reconsideration.

BOTH SANSONE AND WHITEHOUSE FAIL TO DISCLOSE USE OF THE TRACKING ID FOR THE DETERMINATION OF WHETHER TO REFUND POSTAGE

Claim 1 is directed to refunding postage based on a status associated with a United States Postal Service (USPS) tracking ID that is for tracking capability within the USPS. Both Sansone and Whitehouse fail to disclose this.

The office action alleges that Sansone discloses a tracking ID through the printing of zip codes 80 and 84 (source and destination zip codes) on a postal indicia. It is unclear whether the office action refers to each zip code alone as being a tracking ID, or to the combination of zip codes being a tracking ID. However, the source and destination zip codes 80 and 84, either alone or together, cannot act as a tracking ID for tracking capability because there will be a substantial number of redundancies. For example, taking the combination of zip codes 80 and 84 as the alleged tracking ID, every mailpiece sent from the same zip code in downtown Los Angeles to the same zip code in downtown New York would have the same alleged tracking ID. Individual mailpieces bearing these redundant numbers would be indistinguishable and thus untrackable. Therefore, the zip codes relied on by the office action cannot be the claimed tracking ID. Furthermore, the claims have been amended to recite a USPS tracking ID, which is plainly distinguishable from these zip codes.

While Sansone discloses the existence of a unique number 252 that is placed on the indicia, Sansone fails to disclose the use of the unique number for tracking. Instead, Sansone clearly teaches that the unique code 252 is for fraud prevention:

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“This invention overcomes the disadvantages of the prior art by placing a unique number on Merchandise Return Labels so that the Label may not be scanned or photocopied and used more than once.” Sansone, Summary of Invention, col. 2., ll. 48-51.

Sansone also discloses Delivery Confirmation number 254, but fails to incorporate that number into the alleged postage transaction information, and does not disclose using any status associated with that number for making a refund determination.

Regarding Whitehouse, there is simply no disclosure of the use of tracking ID's to determine eligibility for a refund. As stated previously by the applicants, Whitehouse merely acknowledges that the use of a secure computing site reduces a risk factor that contributed to the US Postal Service's reluctance to offer refunds for misprinted indicia.

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CONCLUSION

The applicants respectfully request that the rejections be withdrawn and that the claims be allowed in their present form. Because the cited references fail to disclose at least one element of the independent claims, the applicants have not addressed every other deficiency in the rejections. However, this should not be construed as conceding to any aspect of the rejections, e.g., the presence (explicit or inherent) of claim elements, the meaning of claim terms, etc.

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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